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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,652	12/06/2005	Zdravko Paluncic	2005_0204A	7504
513	7590	06/06/2007	EXAMINER	
WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			BOCHNA, DAVID	
		ART UNIT	PAPER NUMBER	
		3679		
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		06/06/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/530,652	PALUNCIC, ZDRAVKO
	<b>Examiner</b>	<b>Art Unit</b>
	David E. Bochna	3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on \_\_\_\_.  
 2a) This action is FINAL.                  2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-13 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1-13 is/are rejected.  
 7) Claim(s) \_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date ____	6) <input type="checkbox"/> Other: ____

## **DETAILED ACTION**

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The word "said" and the phrase "The invention relates to" should be removed from the abstract.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).

- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Regarding claims 1, 3 and 8, the phrases "for example", "or the like" and "and/or" render the claims indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-8, 11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Francis.

In regard to claim 1, Francis discloses a connecting device for a pipe or the like fluid conduit, with a coupling body (1) and a clamping collar (4) which can be set into a substantially cylindrical recess of the coupling body (1) in an axially inner starting position and into which,

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for example after such setting into the recess, one end of the pipe (2) to be connected can be slid, for example until its front-side abuts a stop of the coupling body (1), the clamping collar (4) comprising at its inner end at least one radially displaceable arresting tongue (8), which, when the pipe (2), and therewith the clamping collar (4), is slid back in the direction of the recess inlet, for example under the pressure building up in the pipe coupling, up into an axially outer arresting position, can be pressed radially inwardly and with its inner side into engagement with the outer wall surface of the pipe (2), through the cooperation of the outer side of the arresting tongue (8) with a first slope (10), radially slanting in the direction of the recess inlet, of the inner wall surface of the coupling body (1), wherein the coupling body (1) at the front side of the clamping collar (2) has a second slope (24) radially slanting toward the recess inlet which, when the clamping collar (4) is slid in from the axially outer arresting position into the axially inner starting position cooperates with the front-side end 25 of the at least one arresting tongue (8) as a ramp-up slope in order to spread it radially outwardly.

In regard to claim 2, wherein the front-side end 25 of the at least one arresting tongue (8) has an identically directed tongue slope (25) cooperating with the second slope (24) of the coupling body (1).

In regard to claim 3, wherein the clamping collar (4) adjacent to the recess inlet of the coupling body (1) is sealed (22) against the inner wall surface of the coupling body (1) and/or the outer wall surface (by 6) of the pipe (2).

In regard to claim 4, wherein at least one arresting tongue (8) is provided with a sharp edge (multiple serrations) on its side facing toward the outer wall surface of the pipe (2).

In regard to claim 5, wherein the first slope (10) is formed by an annular bead (up to 21) encircling the inner wall surface of the coupling body (1).

In regard to claim 6, wherein two or more arresting tongues (8) are uniformly distributed over the circumference of the clamping collar (4).

In regard to claim 7, wherein the clamping collar (4) is equipped at its outer end with a circumferential flange (4 in fig. 3).

In regard to claim 8, wherein the clamping collar (4) is divided into an axially inner function section (from 4 to 20 in fig. 1) with the at least one arresting tongue (8), which, when it is slid in from the axially outer arresting position into the axially inner starting position, is spread radially outwardly, and into an axially outer actuation section (from 4 to flanged end in fig. 1), and that between the front sides facing one another of function section and actuation section a seal 5 or 6, implemented for example as an O-ring seal, is disposed, which forms a seal radially outwardly against the inner wall surface of the coupling body (1) and radially inwardly against the outer wall surface of the pipe (2).

In regard to claim 11, wherein two or more latching tongues (8) are uniformly distributed over the circumference of the actuation section.

In regard to claim 13, wherein the circumferential flange (flange at the right end of 4 in fig. 1) is provided on the actuation section.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 9-10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Francis.

In regard to claims 9-10, Francis discloses a latch tongue with a radially directed projection 21 engaging a groove (where 4 is pointing in fig. 1), but discloses the projection on the housing and the groove on the clamping collar for limiting the travel of the clamping collar, instead of the reverse as recited by the Applicant. However, it would have been obvious to one of ordinary skill in the art to reverse the projection and groove of Francis and place the groove on the housing and the projection on the clamping collar because the reversal of components in a prior art reference; where there is no disclosed significance to such reversal, is a design consideration within the skill of the art. In re Gazda, 219 F.2d 449, 104 USPQ 400 (CCPA 1955); In re Japikse, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950).

In regard to claim 12, Francis does not disclose the exact materials of the clamping collar as that recited by the Applicant. However, it would have been obvious to one of ordinary skill in the art to make the clamping collar out of a combination of metal and synthetic material because the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Osterkil, Gobbi, Guest, Guest '716 and Gassert all disclose similar couplings common in the art.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (571) 272-7078. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



David E. Bochna  
Primary Examiner  
Art Unit 3679